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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FREE SPEECH COALITION, INC., et al., Plaintiffs v. THE HONORABLE ERIC H. HOLDER, JR., Defendant	CIVIL ACTION NO. 09-4607
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FILED

MAR 06 2013

MICHAEL E. KUNZ, Clerk
Bx. Dep. Clerk

SCHEDULING ORDER

The Court had a recorded telephone conference on discovery with counsel on February 15, 2010, as a result of which the Court instructed counsel to continue conferring on discovery issues and if there was still disagreement, a letter should be submitted to Chambers before March 4, 2013. No such letter was received.

In an unrecorded telephone conference call that took place on March 5, 2013, the Court inquired of counsel to verify that the problems discussed in the prior phone call had been resolved and learned that "all or almost all" issues had been resolved.

Nonetheless, no depositions have been taken in this case and none have been scheduled.

The Court advised counsel that the trial in this case would start as of Monday, June 3, 2013. Plaintiff's counsel indicated that plaintiffs could complete their case within five days. The Court stated it would allow defendant five days for his case and allow one day each for rebuttal or sur-rebuttal. The Court intends to allow a brief period for post-trial proposed findings and/or briefs and to issue an opinion no later than July 30, 2013.

Working backwards with counsel, the Court determined the following schedule would apply, and no continuances will be granted unless for exceptional good cause or hardship.

1. Plaintiffs to serve expert reports – March 15, 2013.
2. Defendant to serve expert reports – April 5, 2013.
3. All discovery to be completed – April 30, 2013. In this vein, the Court instructed counsel to confer as often as necessary so that the deposition of the 13 party/plaintiffs, plus the five additional depositions the Court has allowed defendants to take, can be completed by April 30, 2013. Defense counsel indicated that at the moment they desired to depose two FBI agents but may request other depositions. The Court suggested that counsel designate certain specific weeks for these depositions and that the opposing party fill them in with witnesses as they are available.

4. Dispositive motions are due May 10, 2013. Responses are due May 24, 2013, and a brief reply may be filed by May 29, 2013. The Court intends to issue a decision by May 31, 2013, so the scope of the trial, if any, can be delineated. The Court indicated that because this case is on remand from the Third Circuit for determination of certain facts, that a trial may be preferable to disposition by way of summary judgment. Nonetheless the Court will not prevent any party from filing for summary judgment.

5. Although not discussed in the telephone conference, the Court will require pretrial memoranda as follows:

Plaintiffs – May 17, 2013;

Defendants – May 24, 2013.

ENTERED
MAR - 6 2013
CLERK OF COURT

BY THE COURT:


MICHAEL M. BAYLSON, U.S.D.J.

Dated: 3/6/13